

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

[3] JOSE PAGAN-FUENTES

Defendant.

CRIM. NO. 04-233 (JAF)

AMENDED PRELIMINARY ORDER OF FORFEITURE FOR SUBSTITUTE ASSETS

The United States of America, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure, and Title 21, United States Code, Section 853(p), has moved to amend the order of forfeiture previously issued in this case to include certain property of the defendant [3] Jose Pagan-Fuentes as substitute property. In consideration of the motion, the Court finds as follows.

On August 19, 2005, the Court entered a Preliminary Order of Forfeiture forfeiting to the United States all of defendant [3] Jose Pagan-Fuentes' right, title and interest of property involved in the offenses for which the he was convicted, as well as property which constituted proceeds traceable to such property. The Preliminary Order of Forfeiture also included a money judgment in favor of the United States in the amount of TWO MILLION SIXTY NINE THOUSAND TWO HUNDRED AND NINETY-TWO DOLLARS (\$2,069,292.00).

The Court finds that because of the acts or omissions of the defendant, the following the property involved in the offense is no longer available for forfeiture for reasons set forth in Title 21, United States Code, Section 853(p).

Amended Preliminary Order of Forfeiture for Substitute Assets
United States v. [3] Jose Pagan-Fuentes,
Criminal No. 04-233
Page 2

As a result, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure and Title 21, United States Code, Section 853(p), the United States is entitled to an order forfeiting other property of the defendant as a substitute for the unavailable property ordered forfeited. Accordingly, it is hereby ORDERED that all right, title and interest of defendant [3] Jose Pagan-Fuentes in the following property:

(A) ONE URBAN LOT IDENTIFIED AS FINCA 10889 LOCATED IN URBANIZACION SIERRA ALTURAS DE CERRO GORDO, IV, F-11, VEGA ALTA, PUERTO RICO, WITH ALL FIXTURES, ATTACHEMENTS AND IMPROVEMENTS:

URBANA: Solar marcado con el # 11 del bloque F, del plano de inscripción de la Urbanización Alturas de Cerro Gordo IV situado en el Barrio Sabana, Municipio de Vega Alta, Puerto Rico, con un área superficial de 947.838 en lindes por el NORTE, en 22.719 metros, con el solar # 1 del bloque "D" de la Urbanización; por el SUR, en 22.719 metros, con la calle # 3 de la parcela C del proyecto; por el ESTE, en 41.500 metros, con el solar # 10 del bloque F de la Urbanización; y por el OESTE, en 41.500 metros, con la Urbanización Alturas de Cerro Gordo III. Dicha propiedad aparece inscrita a favor de Jose Pagán-Fuentes y su esposa Soraya Benítez-Ramírez, inscrita al Tomo 290, Folio 163 de Vega Alta, Finca # 10889, inscripción 9na.

(B) ONE URBAN LOT IDENTIFIED AS FINCA 16207 LOCATED IN URBANIZACION GOLDEN VILLAGE, A-17, VEGA ALTA, PUERTO RICO WITH ALL FIXTURES, ATTACHEMENTS AND IMPROVEMENTS:

URBANA: Solar # 17 de la Manzana A en la Urbanización Golden Village, radicada en el Barrio Breña de Vega Alta, Puerto Rico, con un área de 264.00 metros cuadrados en lindes por el NORTE, con el solar # 16 en 22.00 metros cuadrados; por el SUR, con el solar # 18 en 22.00 metros cuadrados; por el ESTE, con Camino Municipal en 12.00 metros; y por el OESTE, la cual es su frente con la calle 1 en 12.00 metros.

Dicha propiedad aparece inscrita a favor de José Pagán-Fuentes, Soraya Benítez-Ramírez, casados en sí, inscrita en el Tomo 275, Folio 181, Finca 16207.

(C) ONE THOUSAND FOUR AND SIXTY SIX (1466) PIECES OF JEWELRY VALUED AT FOUR HUNDRED AND FIFTY NINE THOUSAND EIGHT HUNDRED AND SEVENTY SEVEN DOLLARS AND FIFTY TWO CENTS (\$459,877.52).

Amended Preliminary Order of Forfeiture for Substitute Assets
United States v. [3] Jose Pagan-Fuentes,
Criminal No. 04-233
Page 3

is hereby forfeited to the United States.

It is further Ordered that the United States Marshal shall forthwith seize and retain the property ordered forfeited hereunder and shall take any other steps deemed warranted to preserve its availability for forfeiture pending the conclusion of any third party proceedings which may be conducted in this matter pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and Title 21, United States Code, Section 853(n).

The United States shall, promptly after the seizure of said property, initiate proceedings necessary to protect any third party interests in the substitute property, pursuant to and in accordance with Rule 32.2(e) of the Federal Rules of Criminal Procedure and Title 21, United States Code, Section 853(n), prior to requesting entry of a final order of forfeiture with respect thereto.

It is further ORDERED that upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to Title 21, United States Code, Section 853(n) in which all interests will be addressed. If no claims are filed within 30 days of the final publication or receipt of actual notice, whichever is earlier, then, pursuant to Title 21, United States Code, Section 853(n)(7), the United States will move for a final order of forfeiture, and the United States Marshals Service, or any duly authorized law enforcement official, shall dispose of the property forfeited hereunder according to law.

SO ORDERED this 29th day of September, 2005.

S/JOSE A. FUSTE
JOSE A. FUSTE
UNITED STATES DISTRICT JUDGE